

Exhibit 4

Colby Beuck

May 14, 2012

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)

Plaintiff,)

VS.)

ERIC H. HOLDER, JR. in his)
official capacity as Attorney)
General of the United States,)

Defendant,)

ERIC KENNIE, et al,)

Defendant-Intervenors,)

TEXAS STATE CONFERENCE OF)
NAACP BRANCHES,)

Defendant-Intervenors,)

TEXAS LEAGUE OF YOUNG VOTERS)
EDUCATION FUND, et al,)

Defendant-Intervenors,)

TEXAS LEGISLATIVE BALCK)
CAUCUS, et al,)

Defendant-Intervenors,)

VICTORIA RODRIGUEZ, et al.,)

Defendant-Intervenors.)

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

ORAL DEPOSITION OF

COLBY BEUCK

MAY 14, 2012



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1 ORAL DEPOSITION OF COLBY BEUCK, produced as a
2 witness at the instance of the Defendant, was duly
3 sworn, was taken in the above-styled and numbered cause
4 on the MAY 14, 2012, from 9:50 a.m. to 6:08 p.m., before
5 Chris Carpenter, CSR, in and for the State of Texas,
6 reported by machine shorthand, at the offices of The
7 United States Attorney, 816 Congress Avenue, Suite 1000,
8 Austin, Texas 78701, pursuant to the Federal Rules of
9 Civil Procedure and the provisions stated on the record
10 or attached hereto.
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1 Harless or you become aware of those concerns from any
2 other sources communicated to the representative or to
3 you?

4 MR. SWEETEN: Objection to the question,
5 it calls for speculation. In addition, I'm going to
6 instruct you as I previously have: Do not reveal
7 communications that you have had with Representative
8 Harless, staff members, state agencies, constituents or
9 TLC. Let me also tell you that if you've got
10 information as to that question based upon the public
11 record, you can go ahead and try to answer her question.

12 THE WITNESS: Okay.

13 MS. WESTFALL: And to be clear,
14 Mr. Sweeten, I'm asking about communications from
15 members of the public, groups, interest groups that were
16 communications to Representative Harless or Mr. Beuck.

17 MR. SWEETEN: Again, as to constituent
18 communications, we've held that there is a privilege as
19 to that information, so...

20 THE WITNESS: Okay.

21 MS. WESTFALL: Therefore, you're
22 instructing him not to answer if he received those
23 communications; is that correct?

24 MR. SWEETEN: I'm instructing him not to
25 reveal the substance of the communication that he



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1 received from constituents; that's correct.

2 Q. Have there been elections held since SB 14 was
3 signed into law in July -- I mean, pardon me -- in May
4 2011?

5 A. There was a -- yes, a constitutional election
6 -- a constitutional amendment election in November, and
7 we're currently having an election right now.

8 Q. To your knowledge, has the Secretary of State
9 or any County election officials enforced SB 14?

10 A. Not to my knowledge.

11 Q. Are you aware of any in-person voter
12 impersonation having occurred during these elections?

13 A. Not to my personal knowledge, no.

14 Could I get a drink of water real fast?

15 MS. WESTFALL: Why don't we take a little
16 break, because I think we'll be concluding and passing
17 the baton.

18 (Recess 5:05 p.m. to 5:16 p.m.)

19 Q. (By Ms. Westfall) I believe you testified
20 earlier about provisional ballots in SB 14?

21 A. Yes.

22 Q. Could you describe how provisional ballots work
23 in the bill?

24 A. Okay. There is a provision in the bill that
25 allows for a voter to cast a provisional ballot if they



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1 do not have the required photo identification.

2 Q. And could you describe the circumstances under
3 which a provisional ballot is counted?

4 A. Yes. They must -- they must state that they do
5 not have any other form of identification that meets the
6 requirements of Senate Bill 14. Wait. No. Excuse
7 me. Those are the exceptions.

8 Q. Is it true that a person who casts a
9 provisional ballot under SB 14 must present one of the
10 allowable forms of ID in order for it to be counted
11 except narrow circumstances related to religious
12 objection or natural disaster?

13 A. They have within six days to return and show
14 the identification.

15 Q. And if they don't show the identification or
16 fall into one of these exceptions, the religious
17 exception or the natural disaster exception, their
18 provisional ballot will not be counted; is that correct?

19 A. That is my understanding.

20 Q. And I think you testified earlier that there
21 may have been nonpublic investigations of the impact of
22 Senate Bill 14; is that correct?

23 MR. SWEETEN: Objection. You're asking
24 him to reveal information that's protected by the
25 legislative privilege. He's not going to answer that



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1 question. So I'm going to instruct you not to answer
2 the question, unless public information reveals the
3 answer, which I think by its own terms, it could not.

4 Q. (By Ms. Westfall) I believe you testified
5 earlier that you answered phone calls for Representative
6 Harless; is that correct?

7 A. Correct.

8 Q. Did you ever receive any phone calls from
9 anyone from the King Street Patriots regarding voter ID?

10 MR. SWEETEN: Objection, asked and
11 answered. I'm also going to object, because it
12 potentially implicates communications from a
13 constituent. And so with that, I'm going to go ahead
14 and instruct you not to answer that. It's already been
15 asked and answered.

16 Q. (By Ms. Westfall) Did you already -- did you
17 take any phone calls from Paul Bettencourt related to
18 photo ID on behalf of Representative Harless?

19 MR. SWEETEN: Objection, asked and
20 answered.

21 MS. WESTFALL: You may answer.

22 MR. SWEETEN: Same instruction.

23 MS. WESTFALL: Are you instructing him not
24 to answer?

25 MR. SWEETEN: I am. I think you're asking



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1 for constituent communications. I think that's within
2 the privilege. It's one of the categories that we've
3 been asserting.

4 MS. WESTFALL: Are you asserting a
5 privilege over the fact that a communication was made?

6 MR. SWEETEN: First of all, he's already
7 answered this question. So if you're just asking the
8 fact, was a communication made, I will let him answer
9 whether he received those. I think I know the answer,
10 though, but I'm going to let him answer it again.

11 So you can go ahead and do it, Colby, if
12 you can.

13 THE WITNESS: Okay.

14 Q. (By Ms. Westfall) Did you receive any phone
15 call from anyone with the King Street Patriots related
16 to photo ID that were made in to Representative Harless?

17 A. Yes.

18 MR. SWEETEN: That were made in to?

19 MS. WESTFALL: That were called in to
20 Representative Harless's office.

21 MR. SWEETEN: Okay. All right. He's --
22 he can answer as to whether contact was made. He will
23 not answer the substance.

24 Once again, the prefatory remarks on
25 your question, you're asking about substance, and I'm



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1 not going to continue to allow you to do that. That is
2 improper. You're asking about substance of
3 conversation. So I'll let him talk about contact.
4 We'll talk about the privilege log like you said, but
5 I'm not going to let him get into the substance of any
6 conversations.

7 MS. WESTFALL: I understand that. The
8 question's not improper. It's relevant. It's within
9 Rule 26. You're asserting a privilege. You can
10 instruct your witness not to answer. That's how we've
11 been operating today.

12 MR. SWEETEN: Okay. He's answered the
13 question I think you asked. I'm not going to let him
14 reveal substance of the communication. I've been very
15 clear about that.

16 MS. WESTFALL: I'm now going to ask my
17 question to make my record. I understand your position
18 on privilege.

19 Q. (By Ms. Westfall) What was the nature and the
20 substance of the communication and phone call from the
21 King Street Patriots regarding photo ID?

22 MR. SWEETEN: Do not answer the question
23 proposed. She's asking about substance of
24 communications. You don't have to do that.

25 Q. (By Ms. Westfall) Did you receive a phone



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1 call --

2 MR. SWEETEN: Let me just say for the
3 record, it's protected by the legislative privilege. Go
4 ahead.

5 Q. (By Ms. Westfall) Did you receive a phone call
6 from Paul Bettencourt regarding photo ID issues in
7 Representative Harless's office?

8 A. No.

9 Q. Did you receive any phone call from Catherine
10 Engelbrecht concerning photo ID issues?

11 MR. SWEETEN: Objection, asked and
12 answered.

13 Q. (By Ms. Westfall) You may answer.

14 A. Yes.

15 Q. What was that call regarding or concerning?

16 MR. SWEETEN: Don't reveal communications
17 between constituents that contacted your office. It's
18 covered by the legislative privilege.

19 Q. (By Ms. Westfall) In Texas, are there as many
20 driver's license offices as polling locations to your
21 knowledge?

22 MR. SWEETEN: You can answer if you know.

23 A. I don't know the exact numbers of either of
24 those.

25 Q. (By Ms. Westfall) Have there been any driver



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